

## HOUSE JOINT RESOLUTIONS

### CONSTITUTIONAL AMENDMENT—GOVERNOR— SUCCESSION TO OFFICE

H. J. R. No. 7

Proposing an Amendment to Article IV, of the Constitution of the State of Texas, by adding a new Section to be known as Section 3a, so as to provide for succession to the office of Governor in the event the Governor-elect dies, or becomes disabled, or fails to qualify, before taking his oath of office as Governor; and providing for the issuance of the necessary proclamation and publication by the Governor.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Article IV of the Constitution of the State of Texas, be and the same is hereby amended, by adding another Section to follow Section 3, and be designated Section 3a, to read as follows:

"Sec. 3a. If, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor, as declared by the Speaker, has died, then the person having the highest number of votes for the office of Lieutenant Governor shall act as Governor until after the next general election. It is further provided that in the event the person with the highest number of votes for the office of Governor, as declared by the Speaker, shall become disabled, or fail to qualify, then the Lieutenant Governor shall act as Governor until a person has qualified for the office of Governor, or until after the next general election. Any succession to the Governorship not otherwise provided for in this Constitution, may be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution, and shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at a General Election to be held throughout this State on the date provided by law in the month of November, A. D. 1948, at which election all ballots shall have printed thereon:

"FOR the Constitutional Amendment providing for gubernatorial succession in the event the Governor-elect dies, or becomes disabled, before qualifying and for such succession in other contingencies."

"AGAINST the Constitutional Amendment providing for gubernatorial succession in the event the Governor-elect dies, or becomes disabled, before qualifying and for such succession in other contingencies."

Each voter at such election shall mark out one of such clauses on the ballot, leaving the clause expressing his vote on the proposed amendment.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and Laws of this State.

Passed the House, April 22, 1947: Yeas 126, Nays 0; House refused to concur in Senate amendments, June 3, 1947, and requested appointment of Conference Committee to consider differences between two Houses; House adopted Conference Committee Report, June 5, 1947: Yeas 111, Nays 0; passed the Senate, as amended, June 2,

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1947: Yeas 22, Nays 5; at request of House, Senate appointed Conference Committee to consider differences between two Houses; Senate adopted Conference Committee Report, June 5, 1947: Yeas 23, Nays 3.

Approved June 17, 1947.

To be voted at election to be held Nov. 1948.

## CONSTITUTIONAL AMENDMENT—ART. 16, § 15

H. J. R. No. 13

Amending Section 15 of Article XVI of the Constitution of the State of Texas, by adding thereto a provision that the husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests all or any part of their community property, whereupon without prejudice to the right of existing creditors the portion or interest set aside to each spouse shall be and constitute a part of the separate property of such spouse; further providing that such Constitutional Amendment if adopted shall be self-operative and self-executing; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Section 15 of Article XVI of the Constitution of the State of Texas be amended so as to read as follows:

"Section 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of the wife; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband; provided that husband and wife, without prejudice to pre-existing creditors, may from time to time by written instrument as if the wife were a feme sole partition between themselves in severalty or into equal undivided interests all or any part of their existing community property, or exchange between themselves the community interest of one spouse in any property for the community interest of the other spouse in other community property, whereupon the portion or interest set aside to each spouse shall be and constitute a part of the separate property of such spouse.

This Amendment is self-operative, but laws may be passed prescribing requirements as to the form and manner of execution of such instruments, and providing for their recordation, and for such other reasonable requirements not inconsistent herewith as the Legislature may from time to time consider proper with relation to the subject of this Amendment. Should the Legislature pass an Act dealing with the subject of this Amendment and prescribing requirements as to the form and manner of the execution of such instruments and providing for their recordation and other reasonable requirements not inconsistent herewith and anticipatory hereto, such Act shall not be invalid by reason of its anticipatory character and shall take effect just as though this Constitutional Amendment was in effect when the Act was passed."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held throughout the State on the second day of November, 1948, at which election all voters favoring said proposed Amendment shall write or have printed on their ballots the words: